

Buying a Tax Delinquent Brownfield
"75.106 Deal" CHECKLIST

You have been given this form because you expressed interest in possibly acquiring, under Wis. Stat. § 75.106, a property-tax-delinquent-brownfield property located in the City of Milwaukee. Section 75.106 allows the City to bring an in rem property-tax-foreclosure action against a tax-delinquent parcel (following the Wis. Stat. § 75.521 foreclosure process), and gives the City the ability to assign its right to foreclosure judgment to a third party. To help us evaluate our interest in pursuing such a transaction, please complete this form and return it to Matt Haessly, Real Estate Specialist, City of Milwaukee, Department of City Development, 809 North Broadway, Milwaukee, WI 53202. Mr. Haessly's telephone number is (414) 286-5736. Thank you.

1. **Overview.** General explanation of parcel, Buyer, deal:

2. **Parcel Desired to be Acquired Via 75.106.**

A. Address: _____

3. **Who is the Buyer?**

A. Check Entity-Type: ____ corporation. ____ LLC. ____ partnership.
____ sole proprietorship. Other: _____

B. Name. Full entity name: _____

C. Contact person: _____

D. Entity Address: _____

E. Entity Phone no.: _____

F. Entity Fax No.: _____

G. Entity e-mail address: _____

H. Address, phone, fax and e-mail of contact person if different: _____

I. Corporation or LLC in good standing with State of Wisconsin? ____ Yes ____ No.

J. Per www.edfi.org/corporations, what is status of corporation: _____

K. Names of all shareholders of corporation: _____

L. Names and titles of all officers of corporation: _____

M. Names of all directors of corporation: _____

N. Names of all members of LLC: _____

O. Names of all managers of LLC: _____

P. Is the entity you described above already existing? ____ Yes ____ No
If "yes", since when? (When was the entity created?) _____

*** If you need additional space please see page 7.**

4. **City and Other Judgments.** Are there any outstanding, unsatisfied judgments on file in the City of Milwaukee Municipal Court, any Wisconsin State Court, or any federal court against (i) the corporation, or any of its shareholders, officers, or directors, or (ii) the LLC, or any of its members, or managers?

___ Yes ___ No.

If yes, explain: _____

(See, e.g., ccap.courts.state.wi.us for outstanding judgments docketed in state court).

If any such judgment is in favor of the City of Milwaukee, explain the circumstances behind the case that gave rise to that judgment.

5. **City Fines.** Are there any outstanding City fines or forfeitures against (i) the corporation, or any of its shareholders, officers, or directors, or (ii) the LLC, or any of its members, or managers?

___ Yes ___ No.

If yes, explain: _____

6. **Outstanding City Orders or Code Violations?** Are there any outstanding City health or building code orders or violations (including, but not limited to, raze orders or orders to correct conditions) against (i) the corporation, or any of its shareholders, officers, or directors, or (ii) the LLC, or any of its members, or managers or (iii) any property in the City owned by any of the aforementioned entities or persons?

___ Yes ___ No.

If yes, explain: _____

7. **Bankruptcy.** Is there any bankruptcy action currently pending by (i) the corporation, or any of its shareholders, officers, or directors, or (ii) the LLC, or any of its members, or managers?

___ Yes ___ No.

Explain: _____

8. **Other Milwaukee Parcels Directly or Indirectly Owned by Buyer.** Are there any parcels in the City of Milwaukee that are owned, directly or indirectly, by any of the (i) corporation, or any of its shareholders, officers, or directors, or (ii) the LLC, or any of its members, or managers?

___ Yes ___ No.

If yes, identify by address and by name of record-owner: _____

9. **R.E. Tax Delinquency Owed Directly or Indirectly by Buyer.** Are there any real estate property tax delinquencies against any of the properties in the City listed in "18" above?

___ Yes ___ No

If yes, identify: _____

10. **Past In Rem Against (Directly or Indirectly) Buyer.** Was there any parcel in the City of Milwaukee lost within the last five years to any City in rem foreclosure action where the owner foreclosed against was any of: (i) the corporation, or any of its shareholders, officers, or directors, or (ii) the LLC, or any of its members or managers?
___ Yes ___ No
If yes, identify: _____
11. **P.P. Tax Delinquency Owed Directly or Indirectly by Buyer.** Are there any personal property tax delinquencies against, or owed by, any of: (i) the corporation, or any of its shareholders, officers, or directors, or (ii) the LLC, or any of its members or managers?
___ Yes ___ No
If yes, identify: _____
12. **Buyer's Plans.** What are Buyer's plans for the parcel? That is, what does Buyer intend on doing with the parcel if Buyer is able to become the owner? What does Buyer plan on doing to improve the parcel? (Please include investment information, any new jobs etc.) _____

13. **Use Existing Building?** Do Buyer's plans include using or rehabbing existing structures on the parcel? ___ Yes ___ No
Explain: _____

14. **New Building?** Do Buyer's plans include constructing new structures on the parcel?
___ Yes ___ No
Explain: _____

15. **Raze.** Do Buyer's plans include razing any existing structure on the parcel?
___ Yes ___ No
Explain: _____

16. **Buyer's Professionals.** If Buyer already has an architect, builder, banker, or environmental consultant, identify that professional by name, address, and phone number.

17. Plans and Specs.

- (1) Provide copies of any plans and specs you may have with respect to the parcel.
- (2) Provide copies of timeline for post-acquisition remediation and construction (or rehab).
- (3) Provide copies of any loan commitments you may have with respect to remediating or improving the parcel.

18. Environmental Contingency? Does Buyer require additional testing as a condition to or as part of this 75.106 transaction? That is, will Buyer require an environmental inspection contingency? ☐ Yes ☐ No. If your response is "no" (i.e. Buyer is willing to do deal now without any further testing), remember that 75.106(2)(e) requires an environmental assessment to be done, the results of which must be provided to the DNR. Additional comment: _____

A. What additional environmental testing does Buyer plan on doing? _____

B. Provide to City copies of any scope of work, or estimates, or proposals regarding additional environmental testing Buyer wants.

19. Voluntary Consent. Does Buyer already have voluntary consent from existing owner of parcel to enter and test.

☐ Yes ☐ No.

If yes, provide copy and describe:

20. Grant information.

A. Any outstanding grant applications to test, remediate, and/or improve this parcel?

☐ Yes ☐ No

If yes, by whom, for what amount, and for what purpose?

B. Provide City with copy of any grant application, grant award, and/or grant contract.

21. Who is Buyer's lawyer?

- A. Name: _____
- B. Address: _____
- C. Phone no.: _____
- D. Fax no.: _____
- E. E-mail: _____

22. **Title Report.** Does Buyer already have existing title report, letter report, or title commitment?

___ Yes ___ No

If yes, provide copy to City.

To be completed by Department of City Development Real Estate Staff

1. Tax Key No.: _____

Current assessment (www.ci.mil.wi.us/citygov/assessor)

(1) Land: _____

(2) Improvements: _____

(3) Total: _____

2. **Outstanding Taxes Against Subject Parcel.** (Per Treasurer's Website)
(www.ci.mil.wi.us/citygov/treasurer)

A Years that are delinquent: _____

B. Total payoff figure (i.e. total amount of delinquencies) as of __/00: \$ _____

Remember that, under 75.521(3)(a)2., there's a 12-month wait between "permanent delinquency" and eligibility for in rem foreclosure.

3. **DNA List.** Confirmation that parcel is on City's DNA list.

___ Yes ___ No.

4. **Brownfield.** Is parcel a "brownfield"?

___ Yes ___ No. If yes, explain:

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5. **Contaminated?** Is the parcel contaminated by the "discharge" of a "hazardous substance"?

___ Yes ___ No ___ Don't know.

Explain: _____

6. **Environmental Audits.** Provide information concerning copies of any Phase I and/or Phase II that Buyer or City already has or is aware of:
- A. Phase I dated: ____ prepared by: _____. Describe environmental concern revealed: _____
- Phase I already provided to DNR? _____ To Buyer? _____
- B. Phase II dated: ____ prepared by: _____
- Phase II already provided to DNR? _____
- C. Environmental estimate for Phase II or further testing dated: _____ prepared by: _____
7. **Right of Entry.** Are there any outstanding rights of entry that would allow Buyer or City to enter onto the parcel to conduct environmental testing?
____ Yes ____ No.
- If yes, what date was it issued? _____.
- Provide copy of any existing "Right of Entry" or "Special Inspection Warrant."
Additional comment: _____
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8. **Special inspection warrant** will be needed to do this 75.106 deal?
____ Yes ____ No. (Wis. Stat. §§ 66.0119, 75.377, and 299.01(4)).
9. **DNR Case Manager.** Is there a DNR case manager already associated or familiar with the parcel?
____ Yes ____ No
- If yes, identify person: _____

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